Previous references.

File No. 3

1905-06.

Serial Nos. 184

(Legislation)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 184 and 192

Part B. for September 1905.

SUBJECT.

Amendment of Rules 181 & 182 of the Mining Rules so as to provide for the punishment of all kinds of mining Employees.

FILE No. 3 of 1905-06.

Amendment of Rules 181 and 182 of the Rules under the Mysore Mines Regulation, so as to provide for the punishment of all kinds of mining employees.

1 From the Secretary to Government, Geological Department, letter No. 112, dated 17th July 1905.

Forwards copy of a letter from the Secretary to the Kolar Gold Fields Mining Board and requests the favor of the Deputy Secretary's opinion on their proposal to the above effect.

[Serial Nos. 2, 3 and 5 have been filed.]

4 To the Secretary to Government, Geological Department, No. J. 785, dated the 9th September 1905.

Suggests that Rules 181 and 182, referred to in the above letter be amended by the insertion of the words " in or about the mines or " before the words " in mining operations " in both these rules.

G. R. S. 11] 1905.

GENERAL AND REVENUE SECRETARIAT

(Legislation)

NOTES.

File. No 3

FILE HEADING.

Amendment of rules 181 & 182 of the rules under the Mysore Mines Regulation, so as to provide for the punishment of all kinds of mining employés.

From

The Secretary to Govt., Geological Dept

No. 112 Dated 17/7/05 Received 18/7/05

Diary No. 1578	Enclos. 2	Spare Copies. —	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards copy of a letter from the ~~Kolar~~ Secretary to the Kolar Gold Field Mining Board. and requests the favor of the Dy Secretarys opinion on the proposal to the above effect.

NOTES AND ORDERS.

1) It is stated that an Sanitary overseer who was charged with the offence of bribery under ~~rule~~ rule 182. was let off by the Asst Commr. Magistrate of the Kolar Gold Fields on the ground that the accused was not a workman employed

NOTES—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12]

General and Revenue Secretariat.

Leg File No. of 1905

Serial No.

Note engaged or expecting to be engaged in Mining Operation & that in the opinion of the Board this ~~rule~~ if admitted to be correct will leave very much in doubt the liabilities for that offence of several other classes of Mines employes. They accordingly request that the rule 181 & 182 be so amended as to include all kind of Mines employes. by inserting after the words "in work connected with the Govt inspection of mines" in each rule, the words "or any person employed or expecting to be employed by a Mining Proprietor directly or thro' his Supdt in or about the mine".

Submit for orders with reference. The file connected with the proposal of the Board for enhanced punishment for bribery is before the Council.

MR 19/7/05 SR 19/7/05

2) Add the D.C. Bangalore Taluk to send up the records of the case—

19/7/05

3) Submitted MR 20/7/05 SR 20/7/05

4) Issue 20.7.05

To

2 The Dt. Magte. Kolar. no: J 253 of 22.1.1705

Requesting him to send the records connected with a recent case against a Sanitary Overseer on the file of the Asst. Comr. and first class Magte. of Kolar Gold Fields for an offence under Rule 182 of the rules under the Mysore Mines Regulation III of 1894

Filed

Note—Contn. sheet

MGCPB—50,000—17-2-05

G.R.S. 12
General and Revenue Secretariat

File No. 3 of 1905

Serial No. 3

Filed

From the District magte, Kolar N. 1650 D/136
31/8/05
Forwards the records called for

Sub Magte
no
6/9/05 SH 6/9/05 5) Put up the revised draft Mines Regn.
a copy
6/9/05

Secretary
6/9/05

6) The additional clause (2) proposed to be added to Section 23 of the draft Mines Regulation empowers the Govt. to make rules for the discipline of "persons employed in or about the mine" in addition to those engaged in mining operations. I consider that the words in quotation marks are sufficient to embrace all classes of persons employed in the mining area, including Sanitary Overseers and the other employés referred to in the Mining Board's letter. I would suggest, therefore, that Rules 181 and 182 be amended in a similar manner, that is to say, by the insertion of the words "in or about the mines or" before the words "in mining operations" in both these Rules.

Regd according to Standard Secy.
Return the records & Draft Maps

6/9/05

NOTE.—Contn. sheet

MGCPB—50,000—17-2-05

Serial No.	
	7) Draft Govt No 58 7/5/05 8) Issued 9.5.05
	Draft issued
4	To the Secretary, Geological Dept No. 1785 Leg 3. 2d 9/5/05
	Suggests that rule 181 & 182 referred to in the Geological secretary's letter (serial no: 1) be amended by the insertion of the words "in or about the mines or" before the words "in mining operations" in both these rules.
5.	To one Dist: Magistrate of Moran no 9784 dated 9.5.05
	Returns the records received with this letter no: 1650/136 dated 31-8-05.

File

Legs. Records Diary reference 1905 1

J.158
H. No. 3705-06
Sl. 1

[M.G.D. 12]

MYSORE GEOLOGICAL DEPARTMENT.

DATED, BANGALORE, 17th July 1905.

No. 112 Encls. 2

From

E.W. Wetherell, Esq., A.R.C.S., F.G.S.,
~~DR. W. F. SMEETH, M.A., D.SE., A.R.S.M., &c.,~~
Offg Secretary to the Government of H. H. the Maharaja of Mysore,
Geological Department.

To

K. S. Chendrasekhara Iyer, Esq., B.A., B.L.,
Deputy Secretary to the Govt. of His Highness
the Maharaja of Mysore, Gen. &.Rev. Deptts.,
in Mysore, Bangalore.

Sir,

In forwarding herewith a copy of letter, dated the 1st of July 1905, from the Secretary to the Kolar Gold Field Mining Board, I am directed to request that you will be so good as to furnish Government at an early date with your opinion and suggestion on the proposal therein contained, to amend Rules 181 & 182 of the Rules under the Mysore Mines Regulation III of 1897, regarding punishment for offences of Bribary on the Kolar Gold Field.

K S Legs 1617

I have the honour to be,
Sir,
Your most obedient servant.

E W Wetherell

Offg. Secretary to Government,
Geological Department.

B.S.I.

The following is the full text of the Order:-

On this case coming on for hearing to-day, Mr. Thomas the District Superintendent of Police wishes to know what the Court thought of the objection raised by Counsel for the accused - that the case did not come under the provision of section 182 of the Mines Regulation as the accused were not workmen, contractors, foremen, mining officers &c., engaged or expecting to be engaged in mining operations.

The definition of mining operation is given in Section 2 of the Regulation. It seems to me that in no way can the accused be said to be engaged in mining operations. 1st accused is only a Sanitary Overseer who is employed to look after the cooly lines and see that they are kept clean, &c. He may perhaps have to collect rents and see that the roads to the lines are kept in good order.

This is in no way can be construed to be a mining operation. It was argued that he had to look after the roads but I am of opinion that if he does, he does not do so in the sense contemplated by the Regulation.

2nd accused is merely a butcher. In this particular case the 1st accused is supposed to have found arrack and candle in the hut of a certain person and to have taken a bribe of Rs.50 to use his influence with the police to get the man off.

It is for this fact that he is being prosecuted.

Here again I hold that the finding of arrack in a person's hut has nothing to do with a mining operation, and I cannot see how the accused can be said to have committed an offence which would fall under section 182 of the Mines Regulation. For these reasons I consider the objection raised by the accused counsel is a sound one and that offence, if any, does not fall under the Mining Regulation.

The Court having expressed this opinion Mr. Thomas stated that he did not wish to go on with the case and that if it was found necessary to take further steps in the matter he would prosecute the accused under the Indian Penal Code.

The accused are discharged.

Enw

Letter dated 1st July 1905, from the Secretary to the Kolar Gold Field Mining Board, Oorgaum, to the Officiating Secretary to the Government of HisHighness the Maharaja of Mysore, Geological Department.

The Kolar Gold Field 1st Class Magistrate has recently held that a Sanitary Overseer, who was charged under Rule 182 of the Mysore Mines Regulation with bribery, was not liable for the offence under that Rule, and the accused was accordingly discharged. I enclose a newspaper cutting giving the full text of the Magistrate's Order in the matter.

If the ruling is correct, then there are several other classes of Mines employees (Watchmen for example) who would also not be liable in many cases; but, in the opinion of the Board, the question admits of so much doubt that the Rule calls for amendment.

In August 1904 the Board pressed for an amendment of the Regulation making the offence of bribery punishable by a heavier sentence, thereby shewing the importance they attached to the matter, and they now respectfully beg to urge upon His Highness's Government the desirability of amending Rule 181 as well as Rule 182 to include all classes of employees. To effect this, they would propose the insertion in each Rule after the words "or in work connected with the Government inspection of Mines" of the following addition " or any person employed or expecting to be employed by a Mining Proprietor either directly or through his Superintendent in or about his Mine". These words include all classes of employees, and they follow the diction as well as the intention of Section 12 of the Regulation

The Board beg that His Highness's Government will be pleased to give the proposition its best consideration.

Copy.

Offg. Secretary to Government,
Geological Department.

C.N.

4

G.R.S. 26]

File No. 3

Serial No. 4

Diary No. of letter replied to

No. 7785/Leg. 3-2

07 9/9/05

General and Revenue Secretariat

(Legislative)

the 9/9/ 1905

To

The Secretary to Government,
Geological Dept.

Date of issue 9/9/05

Signed by Mr. K.S. Chandra Sekhara Aiyar

Sir,

In reply to your letter No. 112 dated the 17th July 05 regarding the amendment of rules 181 & 182 of the Mines Regulation III of 1897, I have the honor to state that the additional Clause (2) proposed to be added to Section 23 of the Draft Mines Regulation empowers the Government to make rules for the discipline of "persons employed in or about the mines" in addition to those engaged in mining operations. I consider that the words under quotation marks are sufficient

over.

SUBJECT.

to embrace all classes of persons employed in the mining area, including sanitary overseers. & the other employes referred to in the Mining Boards' letter, forwarded with the letter under reply. ~~Mr~~ I would suggest, therefore, that rules 181 & 182 be amended in a similar manner; that is to say, by the insertion of the words "in or about the mines or" before the words "in mining operations" in both these rules.

I have the

honour to be

Sir

Your obedient servant

Secretary.

SM
7/9/05

List of enclosures

Copied by 9/9/05

Examined by SM 9/9/05

MGCPD—30,000—16-2-05